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10/022,702	12/13/2001	Gary L. Koteskey	11074/006	2101
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BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204-2033				OCAMPO, MARIANNE S
ART UNIT		PAPER NUMBER		
		1723		

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/022,702	KOTESKEY, GARY L.
	Examiner	Art Unit
	Marianne S. Ocampo	1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 2/27/02.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) 19 and 20 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) *filled on*  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2/27/02.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of “the bristles are crimped or convoluted”, as in claims 7 and 13, must be shown or the feature must canceled from the claim. **No new matter should be entered.**

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3 and 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozerski (US 2,690,569) in view of Gueret (US 2003/0084913 A1) or Gilbert (US 877, 324).

4. Concerning claim 1, Kozerski discloses a filter element for use in a waste water discharge system, the filter element comprising:

- an axial support (10) of a pre-selected length,
- a handle (12) fixed to the axial support facilitating the placement and withdrawal of the filter element, and
- a plurality of bristles (11 &18) fixed to and extending radially outward from the axial support (10) to an outer margin, the outer margin of the bristles defining a substantially continuous surface generally symmetric about the axial support, the outer margin including a plurality of portions defining a first selected radius (defined by the outer periphery of the bristles in the portion 11) of the filter element, as in fig. 2 and cols. 3 – 4.

Kozerski fails to disclose at least two of the plurality of portions being separated by an intermediate portion wherein the bristles terminate short of the first selected radius.

5. Gueret (913) teaches a similar device to that of Kozerski, capable of use as a filter element in a waste water discharge system, the device of Gueret including an axial support (11) of a pre-selected length, a handle (13, 12) fixed to the axial support (11 or 5 or 9) facilitating the placement and withdrawal of the device/filter element, and a plurality of bristles (4 or 8) fixed to and extending radially outward from the axial support to an outer margin, the outer margin of the bristles defining a substantially continuous surface generally symmetric about the axial support,

the outer margin including a plurality of portions defining a first selected radius, and at least two of the plurality of portions being separated by an intermediate portion wherein the bristles terminate short of the first selected radius, as in figs.1 – 3 and page 5.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the shape/width of the bristles of filter element of Kozerski by adding the embodiment taught by Gueret, in order to provide an alternative and improved design which allows the use of the filter element in tubular housings of different diameters.

6. Alternatively, Gilbert (324) teaches a device similar to that of Kozerski, capable of use as a filter element in a waste water discharge system, the device of Gilbert including an axial support (2, stiff core) of a pre-selected length, having a plurality of bristles fixed to and extending radially outward from the axial support (2) to an outer margin, the outer margin of the bristles defining a substantially continuous surface generally symmetric about the axial support, the outer margin including a plurality of portions defining a first selected radius, and at least two of the plurality of portions being separated by an intermediate portion wherein the bristles terminate short of the first selected radius, as in figs.1 - 3 and pages 1 - 2.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the shape/width of the bristles of filter element of Kozerski by adding the embodiment

taught by Gilbert, in order to provide an alternative and improved design which allows the use of the filter element in tubular housings of different diameters, as in lines 11 – 20 of Gilbert.

7. Regarding claim 2, Kozerski, as modified by Gueret or Gilbert, has disclosed the limitations of claim 1 above. Kozerski also discloses the axial support (10) comprising a spiral wound (i.e. twisted) set of wires, the bristles being captured between the set of wires, as in fig. 2 and cols. 3 – 4.

8. With respect to claim 3, Kozerski, as modified by Gueret or Gilbert, has disclosed the limitations of claim 1 above. Kozerski further discloses the handle (12) comprising a unitary extension of the axial support (10), as in fig. 2 and col. 3.

9. With respect to claim 6, Kozerski, as modified by Gueret or Gilbert, has disclosed the limitations of claim 1 above. Kozerski also discloses the bristles being straight, as in figs. 1 - 4.

10. Regarding claim 7, Kozerski, as modified by Gueret or Gilbert, has disclosed the limitations of claim 1 above. Kozerski further discloses the bristles being crimped or convoluted (i.e. bent into a spiral shape), as in figs. 1 & 4.

11. With regards to claim 8, Kozerski, as modified by Gilbert, has disclosed the limitations of claim 1 above, and Kozerski, as modified by Gilbert, further teach the device/filter element having a plurality of the intermediate portions, as in figs. 2 - 3. The same motivation applied in claim 1 above is applied here.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozerski and Gueret or Gilbert, as applied to claim 3 above, and further in view of Russell (US 5,423,621).

13. With regards to claim 4, Kozerski, as modified by Gueret or Gilbert, has disclosed the limitations of claim 3 above. Kozerski, as modified by Gueret or Gilbert, fails to teach the handle extending radially to only one side of the axial support.

14. Russell teaches a similar device to that of Kozerski, as modified by Gueret or Gilbert, capable of use as a filter element in a waste water discharge system, the device of Russell including an axial support (22, 322) of pre-selected length, a handle (328) fixed to the axial support for facilitating placement and withdrawal of the device, and a plurality of bristles (334) fixed to and extending radially outward from the axial support (322) to an outer margin, the outer margin of the bristles defining a substantially continuous surface generally symmetric about the axial support, and further teaches the handle (328) extending radially to only one side of the axial support, as in fig. 8 and cols. 5 – 6.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the handle of the filter element of Kozerski, as modified by Gueret or Gilbert, by adding the embodiment taught by Russell, in order to provide an alternative handle design which is easy to grip by hand and provides for easier rotation of the filter element, thereby allowing better straining and cleaning of debris when used within a pipe of a waste water discharge system, as in col. 2, lines 50 – 53 & 60 – 63.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozerski and Gueret or Gilbert and Russell, as applied to claim 4 above, and further in view of Woods et al. (US 2003/0088933 A1).

16. Concerning claim 5, Kozerski, as modified by Gueret or Gilbert and Russell, has disclosed the limitations of claim 4 above. Kozerski, as modified by Gueret or Gilbert and Russell, fails to teach the handle including a terminal portion extending parallel to the axial support at a position separated from the axial support by a distance greater than the first selected radius.

17. Woods et al. teach a handle for a filtering/cleaning device having an axial support (13, 12) of a pre-selected length, a handle (15, 11) and a plurality of bristles (14) fixed to and extending radially outward from the axial support and the bristles having a first selected radius,

wherein the handle (11, 15) extending radially to only one side of the axial support and further including a terminal portion extending parallel to the axial support at a position separated from the axial support by a distance greater than the first selected radius, as in fig. 2 and col. 1 – 4.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the handle of the device/filter element of Kozerski, as modified by Gueret or Gilbert and Russell, by adding the embodiment taught by Woods et al., in order to provide an alternative and improved handle design which is not only easy for hand gripping, but at the same time, has the means to be hang, thereby providing a means for storing the device/filter element after its use (see pages 1 – 3 of Woods et al.).

18. Claims 9 – 10 and 12 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman (US 1,935,128) in view of Zoeller et al, (US 6,136,190) and Gilbert (324).

19. Regarding claim 9, the limitation “the filter element” in line 4, lacks proper antecedent basis in the claim. For examination purposes, the examiner has considered the “filter” in the first line of the preamble is referring to this “filter element”. It is unclear if the claimed invention in claim 9 is a combination in the form of a filter comprising a generally vertical channel with an inlet at a lower end thereof and an outlet extending laterally from an upper portion thereof and further comprising a filter element having the limitations recited in

lines 5 – 13 of the claim, or a subcombination, in the form of a filter element as recited in lines 5 – 13 of the claim and capable of use only with the filter including the vertical channel. For examination purposes, the examiner has considered the combination (i.e. filter comprising the vertical channel and the filter element).

20. Concerning claim 9, Pullman discloses a filter including (same meaning as *comprising*):

- a generally vertical channel (1) defining a receptacle for a filter element (4 – 8), the channel (1) including (same meaning as *comprising*) an inlet (which can be disposed below in a reverse flow mode) at a lower end of the filter receptacle (1) and an outlet (covered by the plate 4, in reverse flow mode), and
- a filter element comprising
  - an axial support (5, 7) of a pre-selected length,
  - a handle (6) fixed to the axial support (5) for facilitating placement and withdrawal of the filter element in the filter receptacle (1), and
  - a plurality of bristles (8) fixed to the axial support and extending radially outward to define an outer margin, the outer margin of the bristles, at some portions along the pre-selected length, being at least equal to an inside dimension

of the channel (1) defining the receptacle, so that water flowing from the inlet to the outlet must pass between the bristles which filter the water, as in figs. 1 – 3 and pages 1 – 2.

Pullman fails to disclose the outlet extending laterally from an upper portion of the filter receptacle and the outer margin of the bristles along at least one intermediate portion being sufficiently short to be spaced from the inside of the channel.

21. Zoeller et al. (190) teach a filter receptacle (16) in the form of a generally vertical channel (30, 24, 29) having an inlet at a lower end thereof and an outlet (26) extending laterally from an upper portion of the receptacle (16), as in figs. 2 & 4.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter receptacle of Pullman by substituting it with the filter receptacle taught by Zoeller et al., in order to provide an alternative design for the filter receptacle which provides separate entrance and withdrawal opening for the filter element and outlet for a fluid being filtered, thereby providing an easy and less messier replacement and cleaning of the filter element.

22. Pullman, as modified by Zoeller et al., fails to teach the outer margin of the bristles along at least one intermediate portion being sufficiently short to be spaced from the inside of the channel. Gilbert teaches a similar device/filter element to that of Pullman capable of use as a

filter element, wherein the device of Gilbert includes an axial support (2) and a plurality of bristles (4) fixed to the axial support and extending radially outward to define an outer margin, the outer margin of the bristles defining a first selected radius (i.e. bristles with longest radius) which could be equal to an inside dimension of a filter receptacle/channel containing the device, and at least one intermediate portion having bristles with sufficiently short radius than the other bristles (longest radius), thereby allowing its outer margin to be spaced from the inside of the channel, as in figs. 1 – 3

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter element of Pullman, as modified by Zoeller et al., by adding the embodiment taught by Gilbert, in order to provide an alternative filter element which has an improved design which allows the filter element to be used in filter receptacles having different diameters, as in page 1 of Gilbert.

23. Regarding claim 10, Pullman, as modified by Zoeller et al. and Gilbert, has disclosed the limitations of claim 9 above. Pullman, as modified by Zoeller et al. and Gilbert, further teaches the axial support (5 of Pullman or 2 of Gilbert) comprises a spiral wound set of wires, the bristles being captured between the set of wires, as in figs. 1 – 2 & page 1 of Pullman.

24. With regards to claim 12, Pullman, as modified by Zoeller et al. and Gilbert, has disclosed the limitations of claim 9 above. Pullman, as modified by Zoeller et al. and Gilbert, also teaches the filter element having a plurality of intermediate portions (portions with shorter bristles), as in fig. 2 of Gilbert. Although Pullman, as modified by Zoeller et al. and Gilbert, does not teach one of the intermediate portions being positioned at the location of the outlet (of the channel), it is considered obvious to one of the ordinary skill in the art at the time of the invention to shift the position of one of the short bristles /intermediate portions along the length of the channel such that it is closer or at the location of the outlet of the channel as a matter of choice by the user and providing a greater clearance for the fluid having filtered by the other portions or those with longer/longest bristles.

25. Concerning claim 13, Pullman, as modified by Zoeller et al. and Gilbert, has disclosed the limitations of claim 9 above. Pullman further teaches the bristles (8) being crimped or convoluted, as in fig. 1. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the configuration of the bristles of the device of Pullman, as modified by Zoeller et al. and Gilbert, by adding the embodiment taught by Pullman, in order to provide an alternative shape/configuration for the bristles, at the same time provide a filter element with greater surface area for filtering.

26. Regarding claim 14, Pullman, as modified by Zoeller et al. and Gilbert, has disclosed the limitations of claim 9 above. Although Pullman, as modified by Zoeller et al. and Gilbert, does not teach the cross-sectional diameter of the bristles being of between about 0.2 and 0.004 cm, it is considered obvious to one of ordinary skill in the art at the time of the invention to modify the diameter of the bristles depending upon the inside diameter of the filter receptacle or channel for the fluid to be filtered, since the outer margin of the longest radius bristles would have to match the radius of the channel or filter receptacle in order to effectively trap all particulates and prevent bypassing of the fluid. Furthermore, *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984)], cert. Denied, 469 U.S. 830, 225 USPQ 232 (1984), has established (The Fed. Circuit held) that where the only difference between the prior art and the claims was a recitation of relative dimensions (in this instance, cross-sectional diameter of the bristles) of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

27. Concerning claim 15, Pullman, as modified by Zoeller et al. and Gilbert, has disclosed the limitations of claim 9 above. Although Pullman, as modified by Zoeller et al. and Gilbert, does not teach the bristles are present in an amount between about  $10^2$  (100) and  $10^4$  (1000) per centimeter of the length of the axial support, it is considered obvious to one of ordinary skill in the art to modify the density (i.e. amount) of the bristles by having at least 100 and up to 1000, in order to provide the sufficient density and porosity/space between bristles for

trapping unwanted particulates or constituents from a fluid being passed through and filtered by the filter element. It is considered that the amount of at least 100 to 1000 bristles per centimeter of the length of the axial support being an optimum value for this result effective variable that would provide the best filtering surface by the filter element. See the case, In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980) which stated:

"The discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art, and thus a prima facie case of obviousness is established."

28. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman, Zoeller et al, (US 6,136,190) and Gilbert (324), as applied in claim 9 above, and further in view of Russell (US 5,423,621).

29. With respect to claim 11, Pullman, as modified by Zoeller et al. and Gilbert, has disclosed the limitations of claim 9 above. Pullman also teaches the handle (6) comprising a unitary extension of the axial support (5), as in fig. 1. Pullman, as modified by Zoeller et al. and Gilbert, fails to teach the handle extending radially to only one side of the axial support by a distance sufficient to overlie an upper margin of the generally vertical channel.

30. Russell teaches a cleaning/filter element similar to that of Pullman, as modified by Zoeller et al. and Gilbert, capable of use as a filter element in a waste water discharge system, the device of Russell including an axial support (22, 322) of pre-selected length, a handle (328)

fixed to the axial support for facilitating placement and withdrawal of the device, and a plurality of bristles (334) fixed to and extending radially outward from the axial support (322) to an outer margin, the outer margin of the bristles defining a substantially continuous surface generally symmetric about the axial support, and further teaches the handle (328) extending radially to only one side of the axial support by a distance sufficient to overlie an upper margin of the generally vertical channel (which is equal to the outer margin of the bristles), as in fig. 8 and cols. 5 – 6.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the handle of the filter element of Pullman, as modified by Zoeller et al. and Gilbert, by adding the embodiment taught by Russell, in order to provide an alternative handle design which is easy to grip by hand and provides for easier rotation of the filter element, thereby allowing better straining and cleaning of debris when used within a pipe of a waste water discharge system, as in col. 2, lines 50 – 53 & 60 – 63.

31. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weems, Sr. (US 4,504,391) in view of Pullman (128).

32. Concerning claim 16, Weems, Sr. discloses a replacement filter kit for use in replacing a filter element in a waste water discharge system including a first channel (defined by

conduit 16, 10) defining a receptacle for a filter/filter element and a second channel (20, 22) connected generally orthogonally to the first channel providing an outlet (in reverse flow mode) from the filter receptacle, the filter kit (element) comprising:

- a shield member (50) and
- a filter element (38), the filter element having an axial support (32) of a pre-selected length, and
- the shield member (50) comprising a sheet generally conformable to the inside surface of the filter receptacle (10), the shield member having a length dimension sufficient to cover the outlet (20, 22) leading to the second channel (22), capable of blocking any flow of waste water into the second channel during replacement of the filter element (38) .

Weems, Sr. fails to disclose the filter element further comprising a plurality of bristles fixed to the axial support and extending radially outward to define an outer margin, the outer margin of the bristles, at some portions along the pre-selected length, being at least equal to an inside dimension of the (first) channel defining the receptacle, and a handle means fixed to the axial support facilitating the placement and withdrawal of the filter element in the filter receptacle.

33. Pullman teaches a filter receptacle defining a first channel (1) and a filter element used therewith, similar to those in the kit of Weems, Sr., in which the filter element comprises an axial support (5,7) of pre-selected length, a plurality of bristles (8) fixed to the axial support (5, 7) and extending radially outward to define an outer margin, the outer margin of the bristles, at

some portions along the pre-selected length, being at least equal to an inside dimension of the channel (1, first channel) defining the receptacle, and a handle means (6) fixed to the axial support (5) facilitating the placement and withdrawal of the filter element in the filter receptacle (1), as in figs. 1 – 4 and pages 1 - 2.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter element of Weems, Sr. by substituting with the filter element taught by Pullman, in order to provide an alternative design and different material of construction for the filter element which provides a filter element with sufficient surface area for trapping debris from a fluid passing through the filter receptacle/first channel, at the same time, is capable of cleaning/scraping off debris which may have attached itself to the inside surface of the filter receptacle, thereby providing a more sanitary and cleaner filter receptacle upon the withdrawal of the filter element, as in page 2 of Pullman.

34. With regards to claim 18, Weems, Sr., as modified by Pullman, has disclosed the limitations of claim 16 above. Weems, Sr. further discloses the shield member (50) being formed by a (planar) sheet which has been bent/curved into a cylindrical form, two opposing edges of the sheet being separated from each other by a distance, as in fig. 4. It is considered upon combination with the previous teachings of Weems, Sr. and Pullman, that the distance between the opposing edges of the shield member (as in fig. 4) bent into a cylindrical form would be sufficient enough to permit the handle means to pass therebetween, as in fig. 4.

35. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weems, Sr. and Pullman, as applied to claim 16 above, and further in view of Russell (621).

36. Concerning claim 17, Weems, Sr., as modified by Pullman, has disclosed the limitations of claim 16 above. Weems, Sr. also discloses the shield member (50) having a width dimension selected so that the margins defining the width dimension are spaced from each other by a distance sufficient to allow the shield member to pass by the handle when inserted into the first channel, and Pullman further teaches the handle (6) comprises a unitary extension of the axial support (5), as in fig. 1 of Pullman. Weems, Sr., as modified by Pullman, fails to disclose the handle extending radially to only one side of the axial support by a distance sufficient to overlie a margin of the first channel.

37. Russell teaches a cleaning/filter element similar to that of Weems, Sr. as modified by Pullman, capable of use as a filter element in a waste water discharge system, the device of Russell including an axial support (22, 322) of pre-selected length, a handle (328) fixed to the axial support for facilitating placement and withdrawal of the device, and a plurality of bristles (334) fixed to and extending radially outward from the axial support (322) to an outer margin, and further teaches the handle (328) extending radially to only one side of the axial support by a distance sufficient to overlie an upper margin of a vertical (first) channel (defining the receptacle of the filter and which is equal to the outer margin of the bristles), as in fig. 8 and cols. 5 – 6.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the handle of the filter element of Weems, Sr., as modified by Pullman, by adding the embodiment taught by Russell, in order to provide an alternative handle design which is easy to grip by hand and provides for easier rotation of the filter element, thereby allowing better straining and cleaning of debris when used within a pipe of a waste water discharge system.

***Allowable Subject Matter***

38. Claims 19 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

39. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art applied in the rejections above and those searched, have disclosed or rendered obvious a replacement filter kit having the combination of limitations recited in claims 16 and 19 including the limitation of two adjacent corners of the opposing edges of the shield member being bent outward to provide an engagement tang for engaging an upper margin of the first channel, as in claim 19, and a shield member having all the limitations recited in claim 20 including the limitation of two adjacent corners of the opposing edges of the shield member being bent outward to provide engagement tangs for engaging an upper margin of a filter receptacle.

***Conclusion***

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 6,122,792 (Roy), 3,582,140 (Kaufman et al.), 3,862,461 (Bucklitzsch) and 2,763,104 (Lindenberg) and US Patent Application Publication 2002/0000016 (Hsieh).

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

43. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.S.O.

  
W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700